

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Marcel Kenyatta Mays,

Civil No. 06-1518 (DWF/FLN)

Petitioner,

v.

**ORDER**

Warden R. L. Morrison,

Respondent.

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Marcel Kenyatta Mays, *Pro Se*, Petitioner.

Ann M. Anaya, Assistant United States Attorney, United States Attorney's Office, counsel  
for Respondent.

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This matter is before the Court upon Petitioner Marcel Kenyatta Mays's objections to Magistrate Judge Franklin L. Noel's Report and Recommendation dated August 14, 2006, recommending that to the extent Petitioner seeks an order that the Bureau of Prisons reconsider the length of time Petitioner should be assigned to an RRC pursuant to the factors set forth in 18 U.S.C. § 3621(b), the petition should be granted, and, to the extent that Petitioner seeks an immediate assignment to an RRC, the petition should be denied.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes

of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Petitioner Marcel Kenyatta Mays' objections (Doc. No. 9) to Magistrate Judge Franklin L. Noel's Report and Recommendation dated August 14, 2006, are **DENIED**.

2. Magistrate Judge Franklin L. Noel's Report and Recommendation dated August 14, 2006 (Doc. No. 8), is **ADOPTED**.

3. To the extent Petitioner seeks an order that the Bureau of Prisons reconsider the length of time Petitioner should be assigned to an RRC pursuant to the factors set forth in 18 U.S.C. § 3621(b), the petition is **GRANTED**. *See Fults v. Sanders*, 442 F.3d 1088,1190 (8th Cir. 2006).

4. To the extent that Petitioner seeks an immediate assignment to an RRC, the petition is **DENIED**.

Dated: September 12, 2006

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court